

REMARKS

Claims 1-27 are pending in the application..

Claims 1-27 are rejected.

Claims 1, 12 and 23 have been amended.

I. 35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-23 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claiming the subject matter which applicant regards as his invention. Specifically the Examiner has rejected independent claims 1, 12 and 23 which recited “reducing multiple dominant pilots” in the preamble as being indefinite.

The Applicants traverse this particular grounds of rejection. However, in the interest of prosecution efficiency, Applicants have amended claims 1, 12 and 23 to clarify that the present invention is useful for reducing the effect of multiple dominant pilots in a CDMA transmission system. The preambles of claims 1, 12 and 23, as amended, recite a method for “reducing the effect of multiple dominant pilots.” Applicants respectfully submit that the amended claims overcome the 35 U.S.C. § 112 rejections. Reconsideration is respectfully requested.

Additionally, Applicants respectfully submit that claims 2-11, 13-22 and 24-27, by their dependency on amended independent claims 1, 12 and 23 respectively, similarly overcome the 35 U.S.C. § 112 rejections. Reconsideration is respectfully requested.

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II. 35 U.S.C. § 102(e) Rejections

The Examiner rejected claims 1-6, 8-19, 21-23 and 25-26 under 35 U.S.C. § 102(e) as being anticipated by Takai et al. (U.S. Patent No. 5,771,451). The Applicants traverse this particular grounds of rejection. The present invention is not anticipated by Takai.

Claims 1-6, 11-13, 15, 17-18, 23 and 25-26:

The Examiner rejected claims 1-6, 11-13, 15, 17-18, 23 and 25-26 under 35 U.S.C. § 102(e) as being anticipated by Takai et al. Specifically, the Examiner states that Takai et al. disclose a method and system of transmission power control in a cellular mobile communication system which uses a CDMA method wherein the system comprises a mobile station 3 located in an area of multiple dominant CDMA pilots wherein the mobile station 3 transmits signals to base station using uplink or forward link with less power than the signals from the base stations.

In the interest of prosecution efficiency, the Applicants have amended independent claims 1, 12 and 23 to more clearly define the invention. Specifically, Applicants have amended claim 1 to add the limitation that the transceiver is a "fixed" element. The transceiver element is a fixed element which is linked to a nearby base station for transporting signals between the transceiver and a base station. The transceiver can be placed in a high dense area of multiple pilots.

In contrast, Takai et al. teach controlling power transmission in a CDMA network by transmitting forward and reverse signals through a mobile station (i.e. a cellular phone). Since Takai et al. teach a feedback current loop through a mobile unit, whenever the mobile unit moves out of an area with highly dense multiple pilots, the advantages of using a mobile station for reducing power transmission are no longer valid. In contrast, a fixed transceiver element is

stationary and can reduce the effect of multiple dominant pilots in a given geographical area permanently. Moreover, in Takai et al., the mobile unit must be powered on (i.e. off-hook) in order for the advantages of the teaching of Takai et al. to be effective in reducing the effect of multiple dominant pilots.

Claims 8-10, 14, 16, 19 and 21-22:

The Examiner rejected claims 8-10, 14, 16, 19 and 21-22 under 35 U.S.C. § 102(e) as being anticipated by Takai et al. Specifically, the Examiner states that Takai et al. disclose a method and system of transmission power control in a cellular mobile communication system which uses a CDMA method wherein the system comprises a mobile station 3 located in an area of multiple dominant CDMA pilots wherein the mobile station 3 transmits signals to base station using uplink or forward link with less power than the signals from the base stations.

In the interest of prosecution efficiency, the Applicants have amended independent claims 1, 12 and 23 to more clearly define the invention. Specifically, Applicants have amended claim 1 to add the limitation that the transceiver is a "fixed" element. The transceiver element is a fixed element which is linked to a nearby base station for transporting signals between the transceiver and a base station. The fixed transceiver element is preferably located in an area of highly dense CDMA multiple pilots.

In contrast, Takai et al. teach that the transceiver element is a mobile unit such as a cellular phone. Since Takai et al. teach a feedback current loop through a mobile unit, whenever the mobile unit moves out of an area with highly dense multiple pilots, the advantages of the invention are no

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longer valid. Moreover, in Takai et al., the mobile unit must be powered on (i.e. off-hook) in order for the device of Takai et al. to reduce the effect of multiple dominant pilots.

Having distinguished the present invention over the cited art, withdrawal of the rejection under 35 U.S.C. § 102(e) is requested.

III. 35 U.S.C. §103 Rejections

The Examiner has rejected claims 7, 20, 24 and 27 under 35 U.S.C. 103(a) as being unpatentable over the Takai et al. reference. The Applicants traverse this particular grounds of rejection. The present invention is patentable over Takai.

Claims 7 and 20:

The Examiner stated that Takai et al. do not explicitly teach that the mobile station transmitting signals to the nearby base station with approximately 10 dB less power than the base station transmitting signals to the mobile station. The Examiner asserts, however, that it is well known in the art that the base station requires more power than the mobile station since the base station communicates with a plurality of mobile stations in its coverage area cell.

Applicants respectfully submit that claims 7 and 20 are patentable over the cited reference. As stated above, independent claims 1 and 12 have been amended to more clearly state that the transceiver element is fixed. Claims 7 and 20, which depend from independent claims 1 and 12 respectively, contain all of the limitations of independent claims 1 and 12 as well as novel subject matter disclosed in claims 7 and 20.

10121" 29408660

Fundamentally, Takai et al. disclose a different device than the present invention. Takai et al. teaches using variable power level control through a feedback current loop to minimize interference between codes in the same cell as the base station. The present invention, in contrast, discloses using a physical simulcasting element or omni-direction cell to increase local signal strength. There is no need for any kind of feedback loop in the present invention. Applicants respectfully submit that the basic structure of Takai et al. and the present invention are so fundamentally different that the present invention is patentable over Takai et al.

First, as stated above, Takai et al. do not disclose that the transceiver element is fixed. Moreover, unlike the present invention, since the transceiver unit of Takai et al. is a mobile unit, the advantages of reducing the effects of multiple pilots by fixed transceiver units is not available since the mobile units can move in and out of area of multiple dominant pilots. Furthermore, Takai et al. do not teach that the transceiver element can itself transmit signals directly to a mobile unit since the transceiver element of Takai et al. is itself a mobile station and needs a base station to communicate with other mobile stations. Applicants submit that numerous differences between the present invention and Takai et al. render the claims patentable over the Takai et al. reference. Applicants respectfully submit that claims 7 and 20 are now in condition for allowance. Early notice to that effect is earnestly solicited.

Based on the above amendments and remarks, applicants respectfully submit that the rejections set forth by the Examiner have been overcome and withdrawal of same is respectfully requested.

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TOTAL 29406660

Claims 24 and 27:

The Examiner stated that Takai et al. do not explicitly teach that the mobile station is a repeater and comprises a receiver for reverse link signals. The Examiner asserts, however, that it is well known in the art that the mobile station could function as a repeater and comprise a receiver for reverse link or down link signals. Further the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time that the invention was made to provide the mobile station with the ability to function as a repeater without modifying or amplifying the received signals.

Fundamentally, Takai et al. disclose a different device than the present invention. Takai et al. teach using variable power level control to minimize interference between codes in the same cell as the base station. The present invention, on the other hand, disclose using a physical simulcasting element or omni-direction cell to increase local signal strength. Applicants respectfully submit that the basic structure of Takai et al. and the present invention are so fundamentally different that the present invention is patentable over Takai et al.

First, as stated above, Takai et al. do not disclose that the transceiver element is fixed. Moreover, unlike the present invention, since the transceiver unit of Takai et al. is a mobile unit, the advantages of reducing the effects of multiple pilots by fixed transceiver units is not available since the mobile units can move in and out of area of multiple dominant pilots. Furthermore, Takai et al. do not teach that the transceiver element can itself transmit signals directly to a mobile unit. Applicants submit that numerous differences between the present invention and Takai et al. render the claims patentable over the Takai et al. reference. Applicants respectfully submit that claims 24 and 27 are now in condition for allowance.

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TOTAL 39405500

Based on the above amendments and remarks, applicants respectfully submit that the rejections set forth by the Examiner have been overcome and withdrawal of same is respectfully requested.

IV. Summary

Having fully addressed the Examiner's objections and rejections, it is believed that in view of the preceding amendments and remarks, this entire application stands in a condition for allowance. If, however, the Examiner is of the opinion that such action cannot be taken, he is invited to contact the applicants' attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. An early and favorable response is earnestly solicited.

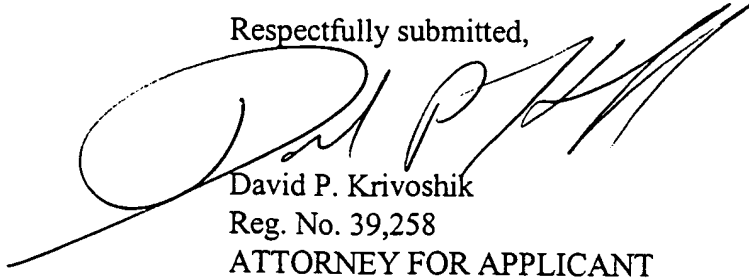
Please address all future correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to David P. Krivoshik, at (973) 596-4853 or (973) 596-4500.

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V. Fees

If any additional fees are due in respect to this amendment, please also charge them to
Deposit Account No. 12-2325.

Respectfully submitted,



David P. Krivoshik
Reg. No. 39,258
ATTORNEY FOR APPLICANT

Gibbons, Del Deo, Dolan, Griffinger & Vecchione
One Riverfront Plaza
Newark, NJ 07102-5497

00000468-112101
FOFET-8940660

UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Patent Application of:	:	
Bi	:	Group Art Unit: 2661
	:	
Serial No.: 08/990,625	:	
	:	Examiner: Bob Phunkulh
Filed: December 15, 1997	:	
	:	Dated: April 12, 2001
Title: METHODOLOGY OF REDUCING	:	
AREAS WITH MULTIPLE DOMINANT PILOTS	:	
BY INSTALLING SIMULCASTING ELEMENTS	:	
<u>OR OMNI-DIRECTIONAL BASE STATION</u>	:	

BOX NON FEE AMENDMENT
Assistant Commissioner of Patents
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION

Sir:

Pursuant to the Office Action having a mailing date of January 12, 2001 and received in regard to the above-noted application, please enter the following:

REMARKS

Claims 1-27 are pending in the application.

Claims 1-27 are rejected.

I. Claims 1-2, 4-5, 8-11, 23-25 and 27 are rejected under 35 U.S.C.A 103(a) as being unpatentable over Talarino (U.S. 5,790,939) in view of Agrawal et al. (U.S. 6,134,215). Applicants traverse the rejection for failure to present evidence sufficient to establish a prima facie case of obviousness.

Respectfully, applicants believe the best starting point in this discussion is to repeat again the invention recited in claim 1. The invention is directed at reducing the effect of multiple dominant pilots in a CDMA communication system. Applicant's specification describes what

multiple dominant pilots are on specification page 5, line 7 et seq. and outlines the negative effects on that same page starting at line 12. The method set forth in claim 1 includes the step of linking a fixed transceiver element with a nearby base station for transporting signals between said transceiver element and a nearby station wherein the latter station transmits forward link signals. Additionally, the claimed method includes a step of transmitting from the fixed transceiver element forward link signals of a nearby sector associated with the nearby base station.

As the specification teaches on page 6, beginnings at line 26, the invention utilizes a simulcasting element or an omni-directional cell (transceiver) which is inserted strategically in a high density area of multiple dominant pilots. Thus, as states on line 31 et seq. "...the increased local signal strength from the simulcasting element...reduces the number of dominant pilots at each geographical location."

A practical example is depicted in FIG. 4 and is discussed on page 7, line 8. FIG. 4 shows the placement of a simulcasting element 40 and the specification discloses the dB level adjustment.

The Examiner states that the Talarino reference discloses a system for communicating in a wireless communication system but fails to disclose a system used for reducing the effect of multiple dominant pilots in a CDMA communication system. The Agrawal reference, which is combined with Talarino, to support the Section 103 rejection, teaches an arrangement where multiple transmitters share a single CDMA channel using orthogonal waveforms where certain aspects of transmitter operation are constrained. Each transmitter sharing a CDMA channel is allocated a portion of a predefined set of "Walsh codes" thereby avoiding mutual interference.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

In Agrawal, the use of multiple pilot signals is discussed in Column 11 beginning at line 50 where it is made clear that the sharing of a single CDMA channel using an allocated set of Walsh codes permits the use of multiple pilot signals of a plurality of transmitters. However, there is no discussion of the proximity of a transceiver element to a particular base station. The fact that a fixed transceiver element is linked to a nearby base station is an essential feature that allows the method of claim 1 to reduce the effects of multiple dominant pilots. Accordingly, Talaro and Agrawal, alone and in combination, appear to fail to teach or suggest, inter alia, locating transceiver elements in an area having a high density of multiple dominant pilots and linking a fixed transceiver with a nearby station, as in claims 1 and 23 as well as dependent claims 2, 4-5, 8-11, 24-25 and 27.

II. Claims 3, 12-18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Talaro – Agrawal et al. as applied to claim 1 above, and further in view of Hayashi et al. (U.S. 5,983,107).

Applicants respectfully disagree with the interpretation given to the Talaro – Agrawal combination as applied to Claim 1 as outlined above. Additionally, the Hayashi reference is being added to that combination to support a teaching which appears wholly different.

As to claim 3, Hayashi relates to method responsive to inquiry by a mobile terminal, that forms a particular cell from ^{at} least one base station when radio communications are to be carried out between the mobile terminal and the at least one base station. Formation of the cell takes into the account the positions and, optionally, the distribution density of mobile terminals. Hayashi states that, in the prior art, when structuring a service area for which traffic density is height and a large number of channels are required, as in the center of a town, a cell of smaller radius is selected. This is done so as not to overload individual cells with an inordinate amount of traffic. Hayashi apparently does not mention pilots or discusses negative effects of multiple dominant pilots. In particular, Hayashi, is believed to lack any showing or suggestion of locating transceiver elements, or repeaters, in an area having a high density of multiple dominant pilots and transmitting forward link signals to a nearby station. Nor does the undersigned see Hayashi to disclose or suggest linking a fixed transceiver element with a nearby base station.

As previously stated, Talaro and Agrawal alone and in combination, appear to fail to teach or suggest locating transceiver elements in an area having a height density of multiple dominant pilots and linking a fixed transceiver element with a nearby base station, as in claim 3. For this reason alone, reconsideration and withdrawal of the rejection is respectfully requested. Similarly, claims 12-18 and 21-22 are not suggested by the combined teachings of those three references.

III. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Talaro – Agrawal – Hayashi et al. as applied to claim 12 above, and further in view of Kinnunen et al.

It is respectfully pointed out that the application of an obviousness rejection requires in the references to be applied that there be some motivation to combine based on those teachings or in the knowledge generally available a suggestion exist to modify or combine the references teachings. The applicants teaching should not be the starting point. In applying four references to reach a combined teachings which approximates the applicants claims, it appears that such reasoning has been far exceeded. Moreover, the references do not suggest a motivation that these references be combined and that fact is lacking in Examiner's argument.

Applicants rely upon previous arguments as to the combined teachings of Talarmino – Agrawal, and the in applicability to applicants claims. Further, note should be taken of the previous discussion regarding Hayashi and to the lack of specific teaching of strategically positioning a repeater in a high density of multiple dominant pilots and linking back to a fixed transceiver element. We turn now to the Kinnunen et al. reference. As stated by the Examiner, it stands for the proposition that using a repeater to relay signal can save transmission power. This reference alone or in combination with the other three references does not suggest or teach applicant's invention which is worth restating again.

Applicants have claimed the linking of a fixed transceiver element with a nearby base station for transporting signals between said transceiver element and the nearby station wherein the latter station transmits forward link signals. In addition, the element transmits forward link signals of a nearby sector which is associated with the nearby base station. None of the references suggest this approach, and none of the references would motivate a skilled practitioner to combine these references because, in combination, these references fail to teach this approach and there is no suggestion which would give rise to combining one or more references.

SUMMARY

Having fully addressed the Examiners rejections under 35 U.S.C. 103(a), it is believed that in view of the preceding remarks made that this entire application stands in a condition for allowance.

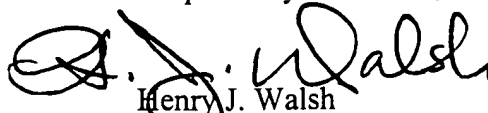
If however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

CORRESPONDENCE AND FEES

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, New Jersey 07102-5497. All telephone calls should be made directly to Henry J. Walsh at 973-596-4855 or 973-596-4500 and fax communications should be sent directly to him at 973-639-6259.

If there are any fees due in respect to this amendment, please charge them to Lucent Technologies Deposit Account No. 12-2325.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. J. Walsh", is written over the typed name.

Henry J. Walsh
Registration No. 24,451
Attorney for Applicant

Gibbons, Del Deo, Dolan
Griffinger & Vecchione
1 Riverfront Plaza
Newark, New Jersey 07102

CLAIMS

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))	27 =	7	x \$ 18.00 =	\$ 126.00
INDEPENDENT CLAIMS (37 CFR 1.16(d))	1-4 =	1-4	x \$ 78.00 =	\$ 78.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270.00 =	\$
			BASIC FEE (37 CFR 1.16(a))	\$690.00
			Total of above Calculations =	\$ 0.00
Reduction of 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				
TOTAL =				\$ 894.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Lucent Technologies

Deposit Account No. 12-2325

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$ _____ is enclosed.

9. ☒ 3 month extension
Other:

NOTE: The prior application's correspondence address will carry over to this CPA

(Insert Customer No. or Attach bar code label here)

NAME Intellectual Property Docket Administrator

ADDRESS Gibbons, Del Deo, Dolan, Griffinger & Vecchione

CITY Newark

STATE NJ

ZIP CODE 07102-5497

COUNTRY USA

TELEPHONE 973-596-4853

FA 973-639-6347

X

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME David P. Krivoschik, Reg. 39, 258

SIGNATURE

DATE

March 13, 2000

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence (and any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

Rosangela Medina
Rosangela Medina

3-13-00
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:
BI et al.

Serial No.: **08/990,625**

Filed: **December 15, 1997**

Title: **METHODOLOGY OF REDUCING
AREAS WITH MULTIPLE DOMINANT
PILOTS BY INSTALLING SIMULCASTING
ELEMENTS OR OMNI-DIRECTIONAL
BASE STATION**

:
: Group Art Unit: **2732**
:
: Examiner: **Phunkulh, Bob**
:
:
: Atty. Dkt. No.: **BI 14-10-7-1-8**
:
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: Date: **March 13, 2000**
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Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Preliminary to the first official action in the above-identified application, please enter the following amendments and remarks.

IN THE CLAIMS:

Please amend the following claims:

1. (Twice Amended) A method for reducing the effect of multiple dominant pilots in a CDMA communication system comprising the steps of:

linking a fixed transceiver element with a nearby base station for transporting signals between said transceiver element and said nearby base station wherein said nearby base station transmits forward link signals; and,

transmitting from said fixed transceiver element said forward link signals of a nearby sector associated with said nearby base station.

12. (Twice Amended) A method for reducing the effect of multiple dominant pilots in a CDMA communication system comprising the steps of:

selecting at least one area having a high density area of multiple dominant CDMA pilots;

locating a fixed transceiver element in said selected at least one area;

linking said fixed transceiver element with a nearby base station for transporting forward link signals between said transceiver element and said nearby base station; and,

transmitting from said fixed transceiver element forward link signals of a nearby base station .

23. (Twice Amended) An apparatus for reducing the effect of multiple dominant pilots in a CDMA transmission system comprising:

a fixed transceiver located in an area of multiple dominant CDMA pilots wherein said fixed transceiver transmits forward link signals of a nearby base station;

a base station having an associated sector near said fixed transceiver;

linking means coupling said fixed transceiver to said base station for enabling transporting signals between said fixed transceiver and said base station.

REMARKS

Claims 1-27 are pending in the application..

Claims 1-27 are rejected.

Claims 1, 12 and 23 have been amended.

I. 35 U.S.C. § 102 Rejections

The Examiner has previously rejected claims 1-6, 8-10, 11-19 and 21-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,771,451 to Takai et al.

Regarding claims 1-6, 11-13, 15, 17-18, 23 and 25-26, it is the Examiner's opinion that Takai et al. disclose a method and system of transmission power control in a cellular mobile communication system which uses a CDMA method wherein the system comprises a base station controller, linking with nearby a plurality of base stations for transporting signals between the base station controller and the base stations and transmitting signals via forward link wherein the base station controller transmits equally well in direction of the base stations or omni-directional and a linking means coupled to the base stations and the base station controller for transporting signals.

Regarding claims 8-10, 14, 16, 19 and 21-22, it is the Examiner's opinion that Takai et al. disclose that the base station controller can be selectively associated with a different nearby base station and the base station controller is a simulcasting element or broadcast to the base stations.

The Applicants believe that the present invention is not anticipated by Takai et al. However, in the interest of prosecution efficiency, the Applicants have amended independent claims 1, 12 and 23 to more clearly define the invention. Specifically, Applicants have amended

claim 1 to recite that *the forward link signal transmitted from the fixed transceiver element is the same as the forward link signal from the nearby base station*. Additionally, Applicants have amended claim 12 to recite that *the forward link signals transmitted from the fixed transceiver element is the same as the forward link signal from the nearby base station*. Additionally, Applicants have amended claim 23 to recite that *the fixed transceiver transmits forward link signals of a nearby base station*. That is, **the fixed transceiver element transmits a copy of the forward link signal so that the effect of multiple dominant pilots is reduced for certain areas**. Additionally, the transceiver element is a fixed element, which is linked to a nearby base station for transporting signals between the transceiver and a base station. The transceiver can be placed in a high dense area of multiple pilots.

In contrast, Takai et al. teach controlling power transmission in a CDMA network by **transmitting forward and reverse signals through a mobile station** (i.e. a cellular phone). Additionally, Takai et al. teach controlling power transmission in a CDMA network in a complex algorithm utilizing the transmission power characteristics of certain traffic channels. Moreover, in Takai et al., *the mobile unit must be powered on (i.e. off-hook) in order for the advantages of the teaching of Takai et al. to be effective in reducing the effect of multiple dominant pilots*.

In contrast to Takai et al., the present invention utilizes *fixed transceiver elements, which essentially repeat the forward link signals from a nearby base station thereby reducing the effect of dominant pilots in the area*. The repeating of the forward link signal from a nearby base station is not taught or suggested by Takai et al. The Figures shown in Takai et al. with arrows to show transmission between a mobile station and a respective base station illustrate simply the conventional operation of the mobile communication system. The arrows between the mobile

station and the base station illustrate simply RF waves of normal operation of the mobile communication system. In fact, Takai et al. teach controlling the transmission power of a traffic channel by utilizing the control of the base station (see Abstract lines 16 - 22).

Therefore, Applicants submit that claims 1, 12 and 23 are patentable over Takai et al. since Takai et al. do not teach or suggest all of the limitations of the present invention. Additionally, claims 2-6 and 8-11 are dependent on amended claim 1. Similarly, claims 13-19 and 21-22 are dependent on amended claim 12. Similarly, claims 24-26 are dependent on amended claim 23. By their dependency on amended independent claims and other novel matter disclosed therein, claims 2-6, 8-11, 13-19, 21-22 and 24-26 are similarly patentable over Takai et al.

Having distinguished the present invention over the cited art, withdrawal of the rejection under 35 U.S.C. § 102(e) is requested.

II. 35 U.S.C. §103 Rejections

The Examiner has rejected claims 7, 20, 24 and 27 under 35 U.S.C. 103(a) as being unpatentable over Takai et al.

The Applicants agree with the Examiner that Takai et al. does not explicitly teach that the base station controller transmits signals to the base stations with approximately 10 dB less power than the base stations transmitting signals to the base station controller. It is however the Examiner's opinion that it would have been obvious to one of having ordinary skill in the art at the time the invention was made to transmit from the base station controller with 10 dB less power than transmitting from the base stations for preserving power. Additionally, the Examiner stated that Takai et al. does not explicitly teach that the base station controller is a repeater and comprises of a

receiver for reverse link signals. It is however, the Examiner's opinion that it would have been obvious to one of ordinary skill in the art at the time the invention was made to cause the base station controller to function as a repeater or replace the base station controller with a repeater for retransmitting received signals to base stations.

Applicants traverse and respectfully submit that claims 7, 20, 24 and 27 are patentable over the cited reference. As stated above, independent claims 1, 12 and 23 have been amended to more clearly state the features of the present invention. Claim 7, which depends from independent claim 1 contains all of the limitations of claim 1. Claim 20, which depends from independent claim 12 contains all of the limitations of claim 12. Claims 24 and 27, which depend from independent claim 23 contains all of the limitations of claim 23.

Fundamentally, Takai et al. discloses a different device than the present invention. Takai et al. teaches using variable power level control through a feedback current loop to minimize interference between codes in the same cell as the base station. The present invention, in contrast, discloses using a physical simulcasting element or omni-direction cell to increase local signal strength. There is no need for any kind of feedback loop in the present invention. Applicants respectfully submit that the basic structure of Takai et al. and the present invention are so fundamentally different that the present invention is patentable over Takai et al.

First, as stated above, Takai et al. do not disclose that the transceiver element transmits forward link signals which are exact replicas of forward link signals from a nearby base station. Takai et al. merely teaches conventional RF signals being transmitted and received at transceiver elements in communication with mobile stations in the mobile communication system. Moreover, unlike the present invention, since the transceiver unit of Takai et al. is a mobile unit, the

advantages of reducing the effects of multiple pilots by fixed transceiver units is not available since the mobile units can move in and out of area of multiple dominant pilots. Furthermore, Takai et al. do not teach that the transceiver element can itself transmit signals directly to a mobile unit since the transceiver element of Takai et al. is itself a mobile station and needs a base station to communicate with other mobile stations. Applicants submit that numerous differences between the present invention and Takai et al. render the claims patentable over the Takai et al. reference. Applicants respectfully submit that claims 7, 20, 24 and 27 are now in condition for allowance. Early notice to that effect is earnestly solicited.

Based on the above amendments and remarks, applicants respectfully submit that the rejections set forth by the Examiner have been overcome and withdrawal of same is respectfully requested.

III. Summary

Having fully addressed the Examiner's objections and rejections, it is believed that in view of the preceding amendments and remarks, this entire application stands in a condition for allowance. If, however, the Examiner is of the opinion that such action cannot be taken, he is invited to contact the applicants' attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. An early and favorable response is earnestly solicited.

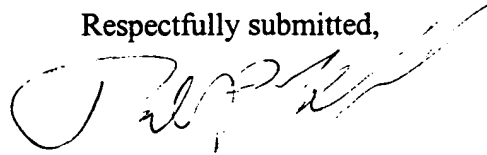
IV. Correspondence

Please address all future correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made directly to David P. Krivoshik, at 973-596-4853.

V. Fees

If any additional fees are due in respect to this amendment, please also charge them to Lucent Technologies Deposit Account No. 12-2325.

Respectfully submitted,



David P. Krivoshik
Reg. No. 39,258
ATTORNEY FOR APPLICANT

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One Riverfront Plaza
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